

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO. CR05-339-JLR
)	
Plaintiff,)	
)	
v.)	SUMMARY REPORT OF U.S.
)	MAGISTRATE JUDGE AS TO
JOHN A. ALDERSON,)	ALLEGED VIOLATIONS
)	OF SUPERVISED RELEASE
Defendant.)	
_____)	

An evidentiary hearing on supervised release revocation in this case was scheduled before me on August 30, 2007. The United States was represented by AUSA Kathryn A. Warma and the defendant by Thomas Hillier. The proceedings were digitally recorded.

Defendant had been sentenced in the Eastern District of Washington (Case No. 99-CR02044) on or about November 16, 1999 by the Honorable Robert H. Whaley on a charge of Distribution of a Controlled Substance, and sentenced to 60 months custody, 5 years supervised release, (Dkt. 4.)

The conditions of supervised release included the standard conditions plus the requirements that defendant be prohibited from possessing a firearm, submit to drug testing, and attend drug treatment. (Dkt. 4, pg. 6)

Jurisdiction was transferred to this District on September 9, 2005 and assigned to the

Honorable James L. Robart. (Dkt. 1.)

On December 20, 2005, defendant admitted to violating the conditions of supervised release by leaving the judicial district without permission (two counts), using marijuana, failing to submit monthly supervision reports, failing to report to the probation office as instructed, and failing to report for urinalysis testing. (Dkt. 11.) The defendant was sentenced to time served and twenty-four months supervised release. (Dkt. 15.) On April 5, 2006, defendant's supervised release was modified to require satisfactory participation in a community corrections center for 90 days. (Dkt. 16.) On January 29, 2007, defendant's supervised release was modified to require participation in a home confinement program with electronic monitoring for 60 days. (Dkt. 17.)

On April 25, 2007, defendant admitted to violating the conditions of supervised release by failing to comply with the home confinement program. (Dkt. 23.) He was sentenced to the special conditions of supervised release. Home confinement was not re-imposed. (Dkt. 27.)

In an application dated July 26, 2007 (Dkt. 28), Senior U.S. Probation Officer Jennifer J. Tien alleged the following violations of the conditions of supervised release:

1. Driving Under the Influence of Alcohol on or before July 1, 2007, in violation of RCW 46.61.502 and the general condition that the defendant not violate any federal, state or local laws.

2. Driving on a Suspended License in the Third Degree, on or before July 1, 2007, in violation of RCW 46.20.345, and the general condition that the defendant not violate any federal, state or local laws.

3. Failing to report to the probation officer any law enforcement contact within 72 hours of being arrested or questioned by law enforcement on or about July 1, 2007, in violation

of standard condition number 11.

In an application dated August 21, 2007 (Dkt. 34), Senior U.S. Probation Officer Jennifer J. Tien alleged the following additional violations of the conditions of supervised release, which were incorporated into the previously reported violations:

4. Failing to report for urinalysis testing as directed via the drug code-a-phone, on August 6, 2007, in violation of the special condition of drug aftercare.

5. Failing to submit a truthful monthly supervision report for the month of July 2007, in violation of standard condition number 2.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted alleged violations 3, 4, and 5 and waived any evidentiary hearing as to whether they occurred. The government moved to dismiss violations 1 and 2. (Dkt. 36.)

I therefore recommend the Court find defendant violated his supervised release as alleged in violations 3, 4, and 5, and that the Court conduct a hearing limited to the issue of disposition.

I recommend that the Court dismiss violations 1 and 2. The next hearing will be set before Judge Robart.

Pending a final determination by the Court, defendant has been released on the conditions of supervision, plus electronic monitoring.

DATED this 31st day of August, 2007.


Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable James L. Robart
AUSA: Kathryn Warma
Defendant's attorney: Thomas Hillier
Probation officer: Jennifer J. Tien